

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein, neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Harbinger Capital Partners LLC, HGW US Holding Company LP, Blue Line DZM Corp., and Harbinger Capital Partners SP, Inc. (collectively, "Harbinger")

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Kasowitz Benson Torres & Friedman LLP, 1633 Broadway, New York, NY 10019 (212) 506-1700

DEFENDANTS

Charles W. Ergen, EchoStar Corporation, Dish Network Corporation, L-Band Acquisition LLC, SP Special Opportunities LLC, Special Opportunities Holdings LLC, Sound Point Capital Management LP, and Stephen Ketchum

ATTORNEYS (IF KNOWN)

Willkie Farr & Gallagher LLP, 787 Seventh Ave., New York, NY 10019 (212) 728-8000; Sullivan & Cromwell LLP, 125 Broad St., New York NY 10004 (212) 558-4000; O'Melveny & Myers LLP, 7 Times Sq., New York, NY 10036 (212)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy appeal pursuant to 28 U.S.C. 158 of dismissal of adversary proceeding asserting causes of action for fraud, aiding abetting fraud, unfair competition, tortious interference, conspiracy, disallowance under 28 U.S.C. 502, and equitable disallowance.

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date November 14, 2013 & Case No. S.D.N.Y. Bankr. 13-1390 (SCC)

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 1310 AIRPLANE	<input type="checkbox"/> 1362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 1610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 1315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 1365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 1620 OTHER FOOD & DRUG	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 1320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 1368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 1625 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 1330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 1381 OTHER PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 21 USC 881 LIQUOR LAWS	<input type="checkbox"/> 450 COMMERCE	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 1340 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 1382 PERSONAL PROPERTY	<input type="checkbox"/> 1630 RR & TRUCK	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	<input type="checkbox"/> 1341 MEDICARE ACT
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 1345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 1370 OTHER FRAUD	<input type="checkbox"/> 1650 AIRLINE REGS	<input type="checkbox"/> 480 CONSUMER CREDIT	<input type="checkbox"/> 1352 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)
<input type="checkbox"/> 152	<input type="checkbox"/> 1350 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 1371 TRUTH IN LENDING	<input type="checkbox"/> 1660 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 490 CABLE/SATELLITE TV	<input type="checkbox"/> 1355 MOTOR VEHICLE PRODUCT LIABILITY
<input type="checkbox"/> 153	<input type="checkbox"/> 1360 OTHER PERSONAL INJURY	<input type="checkbox"/> 1380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 1690 OTHER	<input type="checkbox"/> 510 SELECTIVE SERVICE	<input type="checkbox"/> 1360 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
<input type="checkbox"/> 160 STOCKHOLDERS SUITS		<input type="checkbox"/> 1385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 1695 RSI (405(g))	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE	<input type="checkbox"/> 1370 OTHER CONTRACT CONTRACT PRODUCT LIABILITY
<input type="checkbox"/> 190		<input type="checkbox"/> 1400 PRISONER PETITIONS	<input type="checkbox"/> 170 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 875 CUSTOMER CHALLENGE	<input type="checkbox"/> 1375 FRANCHISE
<input type="checkbox"/> 195	<input type="checkbox"/> 1510 ACTIONS UNDER STATUTES	<input type="checkbox"/> 1510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 1720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 880 OTHER STATUTORY ACTIONS	<input type="checkbox"/> 1380 CIVIL RIGHTS
<input type="checkbox"/> 196	<input type="checkbox"/> 1530 CIVIL RIGHTS	<input type="checkbox"/> 20 USC 2255	<input type="checkbox"/> 1730 REPORTING & DISCLOSURE ACT	<input type="checkbox"/> 881 AGRICULTURAL ACTS	<input type="checkbox"/> 1381 VOTING
<input type="checkbox"/> 197	<input type="checkbox"/> 1540 EMPLOYMENT	<input type="checkbox"/> 1535 DEATH PENALTY	<input type="checkbox"/> 1740 RAILWAY LABOR ACT	<input type="checkbox"/> 882 ECONOMIC STABILIZATION ACT	<input type="checkbox"/> 1382 EMPLOYMENT
<input type="checkbox"/> 198	<input type="checkbox"/> 1443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 1540 MANDAMUS & OTHER	<input type="checkbox"/> 1790 OTHER LABOR LITIGATION	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS	<input type="checkbox"/> 1383 MANDAMUS & OTHER
<input type="checkbox"/> 199	<input type="checkbox"/> 1444 WELFARE		<input type="checkbox"/> 1791 EMPL RET INC SECURITY ACT	<input type="checkbox"/> 894 ENERGY ALLOCATION ACT	<input type="checkbox"/> 1384 OTHER CIVIL RIGHTS (Non-Prisoner)
<input type="checkbox"/> 200	<input type="checkbox"/> 1445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 1550 CIVIL RIGHTS	<input type="checkbox"/> 1462 NATURALIZATION APPLICATION	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT	<input type="checkbox"/> 1385 OTHER CIVIL RIGHTS
<input type="checkbox"/> 201	<input type="checkbox"/> 1446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 1555 PRISON CONDITION	<input type="checkbox"/> 1463 HABEAS CORPUS- ALIEN DETAINEE	<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	<input type="checkbox"/> 1386 ALL OTHER REAL PROPERTY
<input type="checkbox"/> 202			<input type="checkbox"/> 1465 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ in excess of \$2 billion OTHER Disallowance JUDGE DOCKET NUMBER

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN **x** IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input checked="" type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN **x** IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)
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CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 11	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13	DEF <input type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 <input checked="" type="checkbox"/> 15	DEF <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 12 <input checked="" type="checkbox"/> 12	DEF <input type="checkbox"/> 12	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF <input type="checkbox"/> 14 <input checked="" type="checkbox"/> 14	DEF <input type="checkbox"/> 14	FOREIGN NATION	PTF <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 16	DEF <input type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Harbinger: 450 Park Ave. New York, NY 10022 (New York County).

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Charles W. Ergen, SP Special Opportunities LLC, and Special Opportunities Holdings LLC: 787 7th Avenue, New York, NY 10019
EchoStar Corporation, Dish Network Corporation, and L-Band Acquisition Corp.: 125 Broad Street, New York, NY 10004
Sound Point Capital Management LP, and Stephen Ketchum: Times Square Tower, 7 Times Square, New York, NY 10036

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 1/7/2014 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

YES (DATE ADMITTED Mo. 07 Yr. 1999)
Attorney Bar Code # JB-2517

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)